



Open and Public Meetings Act

Interim Committee Training – 2021 Interim

OFFICE OF LEGISLATIVE RESEARCH AND GENERAL COUNSEL

Health and Human Services Interim Committee

May 18, 2021

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Agenda

1. **What is a *Meeting*?**
2. ***Meeting* Requirements**
3. ***Special Meetings***
4. **OPMA Penalties**

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In Conclusion (up front)

Please reach out to us – we are here to be a resource on OPMA or any legal/policy issues!

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1. What is a “Meeting”?

- **“‘Meeting’ means a convening of a quorum of a public body with a quorum present to discuss, receive public comment about, or act upon a matter over which the public body has jurisdiction or advisory power.”** ([UCA 52-4-103](#))
- **Does not include:**
 - “a chance or social gathering or [certain public bodies that have] both legislative and executive responsibilities”
 - a political party, group, or caucus; or a legislative conference, rules, or sifting committee (*not* “public bodies”)

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2. Requirements for a Meeting

- **Provide public notice of a meeting at least 24 hours before the meeting (including an agenda with specific topics for discussion)**
 - The committee may discuss an item raised by the public that is not listed on the agenda but may not take final action on that item at the meeting
- **After the meeting: a recording must be made available within 3 days, and draft minutes must be posted within 30 days**
- **Any public materials that are distributed at the meeting must be posted within 3 days after *approval* of the minutes**

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3. Special Meetings

- 1. Closed Meetings (allowed for review of fatality review reports)** ([UCA 52-4-204](#), [52-4-205](#))
- 2. Emergency Meetings** ([UCA 52-4-202](#))
- 3. Electronic Meetings** ([UCA 52-4-207](#), [JR1-4-402](#), [JR1-4-403](#), [JR7-1-407](#))
 - Normally, under JR7-1-407, to participate remotely:
 - (1) member must be 50+ miles from meeting location;
 - (2) member must request chair permission at least 3 days before the meeting; and
 - (3) chair must obtain Speaker and President's permission.

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4. OPMA Penalties

- **Open Meetings** - Any final action taken in a meeting that is in violation of certain open-meeting provisions of OPMA is voidable by a court.
- **Closed Meetings** - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA

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In Conclusion

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